JPE 1099
SEP 21 2004
PATENT & TRADEMARK OFFICE

9-22-04

IFW

PTO/SB/21 (02-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/679,034
		Filing Date	October 2, 2003
		First Named Inventor	Jeffrey C. Rapp
		Art Unit	1632
		Examiner Name	Not yet assigned
Total Number of Pages in This Submission	9	Attorney Docket Number	AVI-034CIP

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☑ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
- ☐ After Allowance communication to Technology Center (TC)
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☑ Other Enclosure(s) (please Identify below):
  1. Transmittal form
  2. Form PTO/SB/08A and 20 Cited Ref.
  3. Return Post Card

Remarks

Total number of pages (9) does not include the pages of the inclosed references

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kyle Yesland
Signature	
Date	September 21, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name			
Signature		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JIPE JC99
SEP 21 2004
PATENT & TRADEMARK OFFICE

AVI-034CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re application of: RAPP ET AL	)	Group Art Unit: 1632
Serial No. 10/679,034	)	Examiner: Not yet assigned
Dated: Submitted herewith	)	
	)	Mail Stop: AMENDMENT
For: PRODUCTION OF A TRANSGENIC AVIAN BY CYTOPLASMIC INJECTION	)	

Express Mail Mailing Label No. EV 118878573 US

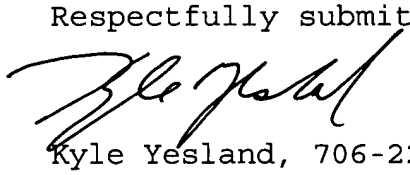
Date of Deposit: September 21, 2004

I hereby certify that the following documents as identified below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the Commissioner for Patents, Mail Stop: Amendment, P.O. Box 1450, Alexandria, VA 22313-1450.

1. Transmittal Form;
2. Information Disclosure Statement
3. Form PTO/SB/08A and copies of(20 cited references); and
4. Return post card.

The 4 above-identified documents are enclosed herewith.

Respectfully submitted,



Kyle Yesland, 706-227-1170, ext. 233
Attorney for Applicants
Reg. No. 45,526
AviGenics, Inc.
Legal Department
111 Riverbend Rd.
Athens, Georgia 30605

SEP 2 1 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	10/679,034
Applicant	:	Rapp, et al
Filed	:	October 2, 2003
Title	:	Production of a Transgenic Avian by Cytoplasmic Injection
TC/A.U.	:	1632
Examiner	:	Not yet assigned
Docket No.	:	AVI-034CIP

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 with Express Mail Number: EV 118878573 US, addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450:

Date Sept. 21, 2004

Signature

Name Kyle Yesland

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop: Amendment

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

The references cited on the attached PTO/SB/08A forms are being called to the attention of the Examiner. In accordance with 37 C.F.R. §1.98(d), copies of the references can be found in Application No. 10/251,364 filed September 18, 2002 (Attorney Docket No. AVI-034) with the exception of reference numbers 54 to 85, copies of which are enclosed herewith except for references 54 to 65 which are issued U.S. Patents. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no representation is being made that a search has been conducted or that this statement encompasses all of the relevant information, and no inference should be made that the information and references cited are, or are considered to be, material to patentability because they are in this statement. No inference should be made that the information and references cited are prior art merely because they are in this statement.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such a fee from Deposit Account No. 501729. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

Kyle Yesland, 706-227-1170
Attorney for Applicants
Reg. No. 45,526
AviGenics, Inc.
Legal Department
111 Riverbend Rd.
Athens, Georgia 30605

SEP 21 2004 JC99 PATENT & TRADEMARK OFFICE

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 5

Complete if Known	
Application Number	10/679,034
Filing Date	10/02/2003
First Named Inventor	Jeffrey C. Rapp, et al.
Art Unit	Not yet assigned
Examiner Name	Not yet assigned
Attorney Docket Number	AVI-034CIP

U.S. PATENT DOCUMENTS

Examiner	Cite No.[1]	Document Number: Number Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US-5,175,384	12/29/92	Krimpenfort, et al.	
	2.	US-5,656,479	08/12/97	Petitte, et al.	
	3.	US20020108132A1	08/08/02	Rapp	
	4.	US20020199214A1	12/26/02	Rapp	
	5.	US20030140363A1	07/24/03	Rapp	
	6.	US20030126628A1	07/03/03	Harvey & Wang	
	7.	US-5,162,215	11/10/92	Bosselman et al.	
	8.	US20020116732A1	08/22/02	Christmann	
	9.	US-5,011,780	04/30/91	Perry	
	10.	US-5,340,740	08/23/94	Petitte et al.	
	11.	US-6,423,488	07/23/02	Harvey	
	12.	US-6,027,722	02/22/00	Hodgson	
	13.	US-4,997,763	03/05/91	Hughes, et al.	
	14.	US-5,731,178	03/24/98	Sippel and Steif	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document: Country Code[3]	Number[4]	Kind Code[5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]
	15.		WO 02/079447	A2	10/10/02	Rapp		
	16.		WO 00/09674	A1	02/24/00	Yanagimachi		
	17.		WO 99/10505	A2	03/04/99	Etches		
	18.		WO 90/11355	A1	10/04/90	Simkiss		
	19.		WO 87/05325	A1	09/11/87	Rottman		
	20.		WO 97/47739	A1	12/18/97	MacArthur		
	21.		WO 99/42569	A1	08/26/99	Shemesh		
	22.		WO 02/064727	A3	08/22/02	Christmann		
	23.		WO 99/19472	A1	04/22/99	Ivarie		
	24.		WO 00/69257	A2	11/23/00	Readhead		
	25.		WO 0220752	A2	03/14/02	Christmann		

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A/PTO	Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application Number	10/679,034
	Filing Date	10/02/2003
	First Named Inventor	Jeffrey C. Rapp, et al.
	Art Unit	Not yet assigned
(Use as many sheets as necessary)	Examiner Name	Not yet assigned
Sheet 2 of 5	Attorney Docket Number	AVI-034CIP

NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T [2]
	26.	*BACHILLER et al.* Liposome-mediated DNA uptake by sperm cells. *Molecular Reproduction and Development.* 1991, 30:194-200, Wiley-Liss, Inc.	
	27.	*BALDARI et al.*, A novel leader peptide which allows efficient secretion of a fragment of human interleukin 1β in *Saccharomyces cerevisiae E.M.B.O.J.*, 1987, 6:229-234	
	28.	*CIBELLI et al.* Cloned transgenic calves produced from nonquiescent fetal fibroblasts. *Science.* 1998 May 22; 280:1256-1258	
	29.	*COLLAS et al.*, Nuclear localization signals enhance germline transmission of a transgene in zebrafish , 1998, *Transgenic Research* 7, 303-309	
	30.	*ETCHES et al.* Strategies for the production of transgenic chickens. *Methods Mol Biol.* 1997;62:433-50	
	31.	*EYESTONE AND CAMPBELL.* Nuclear transfer from somatic cells: applications in farm animal species. *J. Reprod Fertil Suppl.* 1999;54:489-97.	
	32.	*EYAL-GILADI H.* From Cleavage to Primitive Streak Formation: A Complementary Normal Table and a New Look at the First Stages of the Development of the Chick. 1976; *Dev. Biol.*, 49:321-337	
	33.	*FURUTA et al.* Proliferation of exogenously injected primordial germ cells (PGCs) into busulfan-treated chicken embryos. *Asian J Androl.* 1999 Dec;1(4):187-90	
	34.	*GAGNE* et al. Electroporation of Bovine Spermatozoa to carry foreign DNA in oocytes. 1991 *Mol. Reprod. Dev.* 29: 6-15	
	35.	*GILBERT AND WOOD-GUSH*, A technique for the fistulation of the hen's oviduct through the abdominal wall, with recovery of the ovum. *J. Reprod. Fertil.* 1963, 5:451-453	
	36.	*GODBEY, W.* et al. Tracking the intracellular path of poly(ethylenimine)/DNA complexes for gene delivery. April 1999, *Proc Natl Acad Sci USA* 96:5177-5181	
	37.	*JAENISCH R.* Retroviruses and Embryogenesis: Microinjection of Moloney Leukemia Virus into Midgestation Mouse Embryos. *Cell.* 1980 Jan;19(1):181-8	
	38.	*LECHARDEUR, D. et al.* (1999) Metabolic instability of plasmid DNA in the cytosol: a potential barrier to gene transfer *Gene Ther.* 6:482-97	
	39.	*LI et al.* Ballistic transfection of avian primordial germ cell *in ovo. Transgenic Research* 1995, 4:26-9	
	40.	*LOVE, et. al.* Transgenic Birds by DNA Microinjection. *Bio/Technology.* 1994 Jan.; 12:60-63	
	41.	*MUELLER et al.* Chimeric pigs following blastocyst injection of transgenic porcine primordial germ cells. *Molecular Reproduction and Development.* 1999, 54:244-254	
	42.	*MURAMATSU et al.* Gene gun-mediated *in vivo* analysis of tissue-specific repression of gene transcription driven by the chicken ovalbumin promoter in the liver and oviduct of laying hens. *Mol Cell Biochem.* 1998 Aug.; 185(1-2):27-32	

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] Applicant's unique citation designation number (optional). [2] Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A/PTO	Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application Number	10/679,034
	Filing Date	10/02/2003
	First Named Inventor	Jeffrey C. Rapp, et al.
(Use as many sheets as necessary)	Art Unit	Not yet assigned
	Examiner Name	Not yet assigned
Sheet 3 of 5	Attorney Docket Number	AVI-034CIP

NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T [2]
	43.	*NAITO et al.* Introduction of exogenous DNA into somatic and germ cells of chickens by microinjection into the germinal disc of fertilized ova. *Molecular Reproduction and Development.* 1994, 37:167-171	
	44.	*NAITO et al.* Production of germline chimeric chickens, with high transmission rate of donor-derived gametes, produced by transfer of primordial germ cells. *Mol Reprod Dev.* 1994 Oct.;39 (2):153-61.	
	45.	*NAKANISHI AND IRITANI*, Gene transfer in the chicken by sperm-mediated methods. *Molecular Reproduction and Development.* 1993, 36:258-261.	
	46.	*OLSEN &NEHER*, The site of fertilization in the domestic fowl. *J. Exp. Zoo* 1948, 109:355-366	
	47.	*PAGE et al.* "Transgenesis in mice by cytoplasmic injection of polylysine/DNA mixtures"; *Transgenic Research*, 1995;Vol. 4, pp353-360;	
	48.	*PANCER et al.* Recovery of ova and their re-insertion into the hen's oviduct through a fistula. *Br Poult Sci.* 1989 Dec.; 30(4):953-7.	
	49.	*PHI-VAN AND STRATLING*, The matrix attachment regions of the chicken lysozyme gene co-map with the boundaries of the chromatin domain. 1988; *E.M.B.O. J.* 7(3): 655-664	
	50.	*POLLARD H.*, et al., Polyethylenimine but Not Cationic Lipids Promotes Transgene Delivery to the Nucleus in Mammalian Cells*. *J. Biol chem.*, 1998, 273: 7507-11	
	51.	*SANG AND PERRY.* Episomal Replication of Cloned DNA Injected into the Fertilised Ovum of the Hen, *Gallus domesticus. Mol. Reprod and Devlp.*1989, 1:98-106	
	52.	*SCHIEST RH, PETES TD.* Integration of DNA fragments by illegitimate recombination in Saccharomyces cerevisiae. *Proc Natl Acad Sci U S A.* 1991 Sept 1;88(17):7585-9	
	53.	*TANAKA ET AL.* Chick production by *in vitro* fertilization of the fowl ovum. *J Reprod Fertil.* 1994, 100:447-449	

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] Applicant's unique citation designation number (optional). [2] Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 4 of 5

Complete if Known	
Application Number	10/679,034
Filing Date	10/02/2003
First Named Inventor	Jeffrey C. Rapp, et al.
Art Unit	Not yet assigned
Examiner Name	Not yet assigned
Attorney Docket Number	AVI-034CIP

U.S. PATENT DOCUMENTS

Examiner	Cite No.[1]	Document Number Number Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	54.	US 5,591,639	01-07-97	Bebbington,	
	55.	US 4,237,224	12-02-80	Cohen *et al.*	
	56.	US 5,580,859	12-03-96	Felgner *et al.*	
	57.	US 5,589,466	12-31-96	Felgner *et al.*	
	58.	US 5,175,384	12-29-92	Krimpenfort *et al.*	
	59.	US 4,603,112	07-29-86	Paoletti *et al.*	
	60.	US 4,722,848	02-02-88	Paoletti *et al.*	
	61.	US 4,769,330	09-06-88	Paoletti *et al.*	
	62.	US 5,174,993	12-29-92	Paoletti *et al.*	
	63.	US 5,338,683	08-16-94	Paoletti *et al.*	
	64.	US 5,494,807	02-27-96	Paoletti *et al.*	
	65.	US 5,505,941	04-09-96	Paoletti *et al.*	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]
		Country Code[3]	Number[4]	Kind Code[5] (if known)				
	66.		WO 94/11524	A1	11-09-92	Anderson		
	67.		WO 99/19472	A1	10-16-97	Ivarie		
	68.		WO 93/25234	A1	06-08-92	Kan		
	69.		WO 97/47739	A1	06-12-96	McArthur		
	70.		WO 94/06920	A1	09-22-92	Russell		
	71.		WO 92/22635	A1	06-05-91	Wu		
	72.		WO 92/20316	A2	05-14-91	Wu		
	73.		WO 92/19749	A1	05-03-91	Wilson		
	74.		WO 93/04701	A1	09-05-91	Wu		
	75.		WO 92/06180	A1	10-01-90	Wu		

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] Applicant's unique citation designation number (optional). [2] Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A/PTO	Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application Number	10/679,034
	Filing Date	10/02/2003
	First Named Inventor	Jeffrey C. Rapp, et al.
	Art Unit	Not yet assigned
(Use as many sheets as necessary)	Examiner Name	Not yet assigned
Sheet 5 of 5	Attorney Docket Number	AVI-034CIP

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T [2]
	76.	Molecular Structure and Flanking Nucleotide Sequences of the Natural Chicken Ovomucoid Gene,Lai *et al;* Cell 18:829-842 (Nov.1979)	
	77.	DNA methylation: organ specific variations in the methylation pattern within and around ovalbumin and other chicken genes, Mandel *et al;* Nucleic Acids Research 7:2081-2103(1979)	
	78.	Ovoinhibitor Introns Specify Functional Domains as in the Related and Linked Ovomucoid Gene*, Scott *et al;* Journal of Biol. Chemistry, 262:5899-5907(1987)	
	79.	Deoxyribonuclease I Sensitivity of the Ovomucoid-Ovoinhibitor Gene Complex in Oviduct Nuclei and Relative Location of CR1 Repetitive Sequences, Scott *et al;* Biochemistry 26:6831-6840 (1987)	
	80.	Isolation and characterization of the chicken ovomucoid gene, Lindenmaier *et al;* Nucleic Acids Research, 7:1221-1232 (1979)	
	81.	The chick ovomucoid gene contains at least six intervening sequences, Catterall *et al;* Nature 278:323-327 (March 1979)	
	82.	Effect of Estrogen on Gene Expression In the Chick Oviduct. Regulation of the Ovomucoid Gene, Tsai *et al;* Biochemistry 17:5773-5780 (1978)	
	83.	Identification of potential ovomucoid mRNA precursors in chick oviduct nuclei, Nordstrom *et al;* Nature 278:328-331 (March 1979)	
	84.	mRNA Complexity and Egg White Protein mRNA Content in Mature and Hormone-Withdrawn Oviduct, Hynes *et al;* Cell 11:923-932 (August 1977)	
	85.	The Hardwiring of development; organization and function of genomic regulatory systems. Arnone et al; Development, 124(10):1851-64 (1997)	

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] Applicant's unique citation designation number (optional). [2] Applicant is to place a check mark here if English language Translation is attached.